



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 26, 2009

Michael Gagliardo  
Cascade Water Alliance  
11400 SE 8<sup>th</sup> Street, Suite 440  
Bellevue, WA 98004

Dear Mr. Gagliardo:

The purpose of this letter is to acknowledge Ecology's acceptance of your temporary donation to the Washington State Trust Water Right Program. The trust water right has been assigned the control number CS2-160822CL@1. Please refer to that number when corresponding with us about this trust water right.

Section 90.42.080(11)(b) provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the historical beneficial use of the water right.

After reviewing the water use data you provided, the Department of Ecology, pursuant to RCW 90.42.080, acknowledges your donation in the amount of up to 2000 cubic feet per second (cfs) and 929,654 acre-feet per year. The actual quantity will be 2000 cfs minus the amount of water needed to fulfill obligations under Section II B of the Management Agreement.

The purpose of the donation is to benefit instream flow in the White River from October 1, 2009 to October 1, 2013. The term of this trust water right may be terminated at any time prior to expiration by Puget Sound Energy notifying Ecology that transactions contemplated by the Asset Purchase Agreement have not closed, or subsequent to the transfer of assets contemplated by the Agreement, Cascade applying for and Ecology accepting a permanent donation of the water right into the trust water program.

The parent water right, Water Right Claim 160822, asserts a right to withdraw 2000 cfs, up to 1,440,000 acre-feet per year for power production in the name of Puget Sound Power and Light Company. The identified point of diversion is located within the N¼ of Section 2, T. 19 N., R. 6 E.W.M.

In accordance with 90.42.040(6) RCW, 90.14.140(h) RCW, and 90.14.215 RCW, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purposes.

If, prior to expiration of this temporary donation, you would like to extend the temporary donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request and any new or modified terms and conditions and will notify you whether the donation can be extended.



If you have questions or concerns, please call Phil Crane at (360) 407-0238.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

OR Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

**3. And send a copy of your appeal to:**

Thomas Loranger  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>.

Sincerely,



Thomas Loranger  
Section Manager  
Water Resources Program